

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*)
State Engineer,)
)
Plaintiff,)
)
v.)
)
ROMAN ARAGON, *et al.*,)
)
Defendants.)
_____)

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No. CV 7941 JC

Rafael Martinez
CLERK-CANTO FE

RIO CHAMA Stream System

Section 3, Canjilon, Cebolla, Las Nutrias Streams

**FEDERAL RESERVED WATER RIGHT CLAIMS FOR FOREST SERVICE ORGANIC
ACT PURPOSES FOR THE CARSON NATIONAL FOREST**

The United States of America, by and through its attorneys, submits the following federal reserved water right claims for Organic Act purposes within the Carson National Forest within Section 3 of this adjudication:

1. These claims are based upon a federal reservation of land originally known as the Jemez Forest Reserve and now known as the Carson National Forest. A map of the National Forest is attached as Exhibit A.

2. The Jemez Forest Reserve was designated and reserved by 34 Stat. 3182 on October 12, 1905. On June 26, 1908 a part of the Jemez Forest Reserve and the entire Taos Forest Preserve became part of the Carson National Forest by Executive Order 848. The areas of the Carson National Forest within Section 3 of this adjudication are part of the lands originally reserved as the Jemez Forest Reserve on October 12, 1905. Copies of the reservation documents are attached as Exhibit B.

3. The United States claims the following sources for the water claimed: All surface and groundwater sources, including streams, lakes, ponds, springs, seeps and other

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natural sources of water, whether named or not and whether perennial, intermittent or ephemeral, and all groundwater sources, located within Section 3 of this adjudication and within the boundaries of the Carson National Forest.

4. The United States claims the following uses for the water:

a. Fire control and suppression to fulfill purposes of the Forest Service Organic Administration Act, 16 U.S.C.A. §§ 473-475, 477-482, 551 (West 1985 & Supp. 1999), 30 Stat. 11, Ch.2 ("Organic Act").

b. Road building to fulfill the purposes of the Organic Act.

5. The United States claims the following amounts of water:

a. 12 acre feet per year for fire control and suppression as indicated on the Declaration of Lori D. Osterstock, attached as Exhibit C.

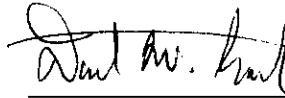
b. 5 acre feet per year for road building.

6. The priority date claimed is October 12, 1905, the date of the reservation of the Jemez Forest Reserve.

7. The place of use claimed is within and adjacent to the boundaries of the Carson National Forest within Section 3.

DATED this 1st day of February, 2002.

Respectfully Submitted,



DAVID W. GEHLERT
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THE EXHIBITS ATTACHED TO THIS
PLEADING ARE TOO VOLUMINOUS TO
SCAN. SAID EXHIBITS ARE ATTACHED
TO THE ORIGINAL PLEADING IN THE
CASE FILE WHICH IS LOCATED IN THE
RECORDS DEPARTMENT, U.S.
DISTRICT COURT CLERK'S OFFICE.